

Draft Recommendations of the California Blue Ribbon Commission on Children in Foster Care

All children in California deserve a safe, nurturing, and permanent family where they can grow up and learn to become productive adults. The commission offers these draft recommendations as a plan for achieving this goal.

In developing its recommendations, the commission builds on the momentum for child welfare reform that is already changing how the courts, the state, and counties serve children and families in California. The judicial branch is joining the executive and legislative branches in calling for more accountability. By proposing these draft recommendations, the commission recognizes the courts' leadership role in building a better system for children and families. Budget restraints may affect the timing, but these recommendations represent the priorities—both long-term and short-term—that must be followed to ensure a better future for the state's most vulnerable children and families.

The commissioners believe their draft recommendations are practical, viable, and necessary, but they are cognizant of the current fiscal realities in the state. Many of their recommendations call for using existing resources differently, implementing policies that are already in place, or phasing in proposals over time in order to reduce reliance on new funds. Some recommendations have little fiscal impact, focusing on structural issues within the courts. Other proposals call on Congress to give states more flexibility in how they use federal child welfare funds. And finally, if the changes recommended are implemented successfully, there will likely be fewer children in foster care or in other more costly out-of-home placements. Money saved can be reinvested elsewhere. However, even with using current funds more effectively and efficiently and reinvesting money that will be saved as a result of the commission's proposed reforms, additional resources will still be required.

Referring to the draft recommendations, Justice Carlos R. Moreno, chair of the commission, said, "The commission kept the focus on children as we listened, learned, and discussed the needs of the children and families in our care. We drafted a set of comprehensive and strategic recommendations that we believe will improve the judicial system and how we work with our partners. We know these proposals will only come to fruition—and make a difference in the lives of children and families—when they are vetted by those who know the system best. Now it is time for us to listen again. We are looking forward to the response from stakeholders across the state over the next two months."

Four main areas of focus

The draft recommendations point to what the courts, child welfare agencies, and other partners can do to help children grow up in safe, nurturing, and permanent homes. The recommendations cover four key areas:

1. Reasonable efforts to prevent removal and achieve permanency;
2. Court reforms;
3. Collaboration between courts and partnering agencies; and

4. Resources and funding.

Each of the above categories is intertwined, because there are multiple players in the lives of children and families in the child welfare system. This is a challenge when it comes to implementation, but it also brings partners to the table to share resources and work.

This report organizes the draft recommendations as follows: A summary of the issues in each area, including a list of the main recommendations that articulate the commission's hopes for progress, and the detailed proposals that follow from these recommendations.

Recommendations 1-3 omitted.

Identified Issues and Summary of Main Recommendation 4 Resources and Funding

Financial support for children and families in the child welfare system is built on a patchwork of funding streams, each with its own rules and restrictions. In addition to state and county funding, child welfare dollars come from at least a half-dozen federal sources, some of which require matching funds from state, county, and local agencies. Delays in services result when providers, social service agencies, and the courts struggle to determine the pertinent funding source for services. Delays are compounded when a child is moved to a new county or state.

Even when services are available, agencies and the courts do not always give priority to foster children and their families in the delivery of these services. For example, children have a right to certain educational and transition to independent living services but are not able to benefit from these services because there are no resources or funding supports to help these children access the services. This lack of prioritization of, and accountability to, children and families in the delivery of services limits the courts' and agencies' ability to offer the comprehensive and concentrated services that are critical to family reunification and permanency.

Recommendation 4

4. In order to meet the needs of children and families in the foster-care system, the Judicial Council, Congress, the Legislature, the courts, and partnering agencies should give priority to foster children and their families in the allocation and administration of resources, including public funding—federal, state, and local—and private funds from foundations that support children's issues.

- A. The Judicial Council should urge Congress, the state Legislature and state and local agencies—including agencies that provide health, mental health, education, and substance abuse services—to prioritize the delivery and availability of services to children and families in the child welfare system.
- B. No child or family should be denied services because it is unclear who should pay for them. Funding limitations that prohibit or delay the delivery of services to these children and families should be addressed through coordinated and more flexible funding.
- C. The Judicial Council, along with other branches of federal, state, and local courts, government, businesses, foundations, and community service organizations, should work together to establish a fund to provide foster youth the money and resources they need to participate in extracurricular activities and programs to help make positive transitions into adulthood.
- D. Educational services for foster youth should be expanded to increase access to education and to improve the quality of those services.
- E. States and counties should be given permission to use federal funding more flexibly. Flexible funding should be used to address the needs of children and families in a timely manner that recognizes the child's developmental needs and relationship with his or her parents, guardian, and extended family. The commission supports key financial recommendations of the Pew Commission on Children in Foster Care.

4

Recommendation 4 Resources and Funding

In order to meet the needs of children and families in the foster-care system, the Judicial Council, Congress, the Legislature, the courts and partnering agencies should give priority to foster children and their families in the allocation and administration of resources, including public funding—federal, state, and local—and private funds from foundations that support children’s issues.

4A

The Judicial Council should urge Congress, the state Legislature, and state and local agencies—including agencies that provide health, mental health, education, and substance abuse services—to prioritize the delivery and availability of services to children and families in the child welfare system.

The Blue Ribbon Commission recommends that:

- These agencies and the courts document and report annually on the number of foster children and families served and the types of services provided; and
- Congress and the state Legislature fund dissemination of evidence-based or promising practices that lead to improved outcomes for foster children and their parents. Examples include therapeutic foster care and drug courts.

4B

No child or family should be denied services because it is unclear who should pay for them. Funding limitations that prohibit or delay the delivery of services to these children and families should be addressed through coordinated and more flexible funding.

The Blue Ribbon Commission recommends that:

- The Judicial Council work with other branches of federal, state, and local governments to identify barriers to funding for services and to develop solutions; and
- To the extent that federal law prevents federal funds from being coordinated among several agencies to support specific services, the Judicial Council should urge Congress to eliminate that policy.

4C

The Judicial Council, along with other branches of federal, state, and local courts, government, businesses, foundations, and community service organizations, should work together to establish a fund to provide foster youth the money and resources they need to participate in extracurricular activities and programs to help make positive transitions into adulthood.

The Blue Ribbon Commission recommends that:

- Children in foster care and partnering agencies have access to reliable funding to support their access to extracurricular activities and transitional programs.

These activities should include music and dance lessons, sports, school events, and independent living activities; and

- Systemic barriers that prevent foster children from participating in the above events be eliminated, including transportation, licensing restrictions, and confusion regarding waivers and consents.

4D

Educational services for foster youth should be expanded to increase access to education and to improve the quality of those services.

The Blue Ribbon Commission recommends that:

- Courts and partnering agencies ensure that foster children receive the full education they are entitled to, including the support they need to graduate from high school. This includes tutoring and participation in extracurricular activities. The courts should require other agencies to justify any denial of such services to foster youth in school;
- The Judicial Council urge Congress and the state Legislature to strengthen current education laws to explicitly include all foster children and to fill funding gaps, such as the lack of support for transportation to maintain school stability;
- The Child Welfare Council prioritize foster children's educational rights and work with educators to establish categorical program monitoring to oversee compliance with education laws and regulations that support foster youth in school;
- The California Department of Education designate foster youth as "at-risk" students to recognize that foster care creates challenges and obstacles to a child's education that other children do not experience and to increase the access of foster youth to local education programs; and
- Foster Youth Services grants be expanded to include all children age five or older, including those in kinship placements, because close to half of foster children are placed with kin and Foster Youth Services is not currently funded to serve those children.

4E

States and counties should be given permission to use federal funding more flexibly. Flexible funding should be used to address the needs of children and families in a timely manner that recognizes the child's developmental needs and relationship with his or her parents, guardian, and extended family. The commission supports key financial recommendations of the Pew Commission on Children in Foster Care.

The Blue Ribbon Commission recommends that:

- The Judicial Council urges Congress to adopt the following federal financing reform recommendations advocated in 2004 by the Pew Commission on Children in Foster Care, a national panel of experts that issued proposals around financing child welfare and court reforms:

- Creation of an incentive model for permanency. Based on the adoption incentive, this model would encompass all forms of permanency, including reunification and guardianship, and would offer equal payment levels;
- Federal adoption assistance for all children adopted from foster care;
- Federal guardianship assistance for all children who leave foster care to live with a permanent, legal guardian;
- Elimination of the income limit for eligibility for federal foster-care funding;
- Flexibility for states and counties to use federal funds to serve children from Indian tribes and children living within U.S. territories;
- Extension of federal title IV-E funding to children in Indian tribes and the U.S. territories;
- If the incidence of foster care is safely reduced, reinvestment of federal and state dollars that would have been spent on foster care into other child welfare services;
- Reinvestment of penalties levied in the federal Child and Family Services Review process into program improvement activities; and
- Bonuses when the state demonstrates improved worker competence and lighter caseloads.